

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: Carl W. Richards Zoning Coordinator April 1, 1994

FROM: James H. Thompson -LJW Zoning Enforcement Coordinator

RE: Item No. 370 Petitioner: M. SAMUEL VETRI

VIOLATION CASE # C-94-884

LOCATION OF VIOLATION 7633 CHARLESMONT ROAD

DEFENDANT THOMAS & SHIRLEY ATKINS

ADDRESS 7633 CHARLESMONT ROAD

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

NAME & ADDRESS

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.

PETITION FOR VARIANCE S/S Charlesmont Road, 340' NW of c/l Jamesford (7633 Charlesmont Road), 15th Election Dist., 7th ZONING COMMISSIONER Councilmanic Dist. OF BALTIMORE COUNTY

PETITIONER: THOMAS W. ATKINS CASE NO: 94-383-A

BEFORE THE

: : : : : ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above captioned matter. Notice should be sent of any hearing dates or other

proceedings in this matter and of the passage of any preliminary or final Order.

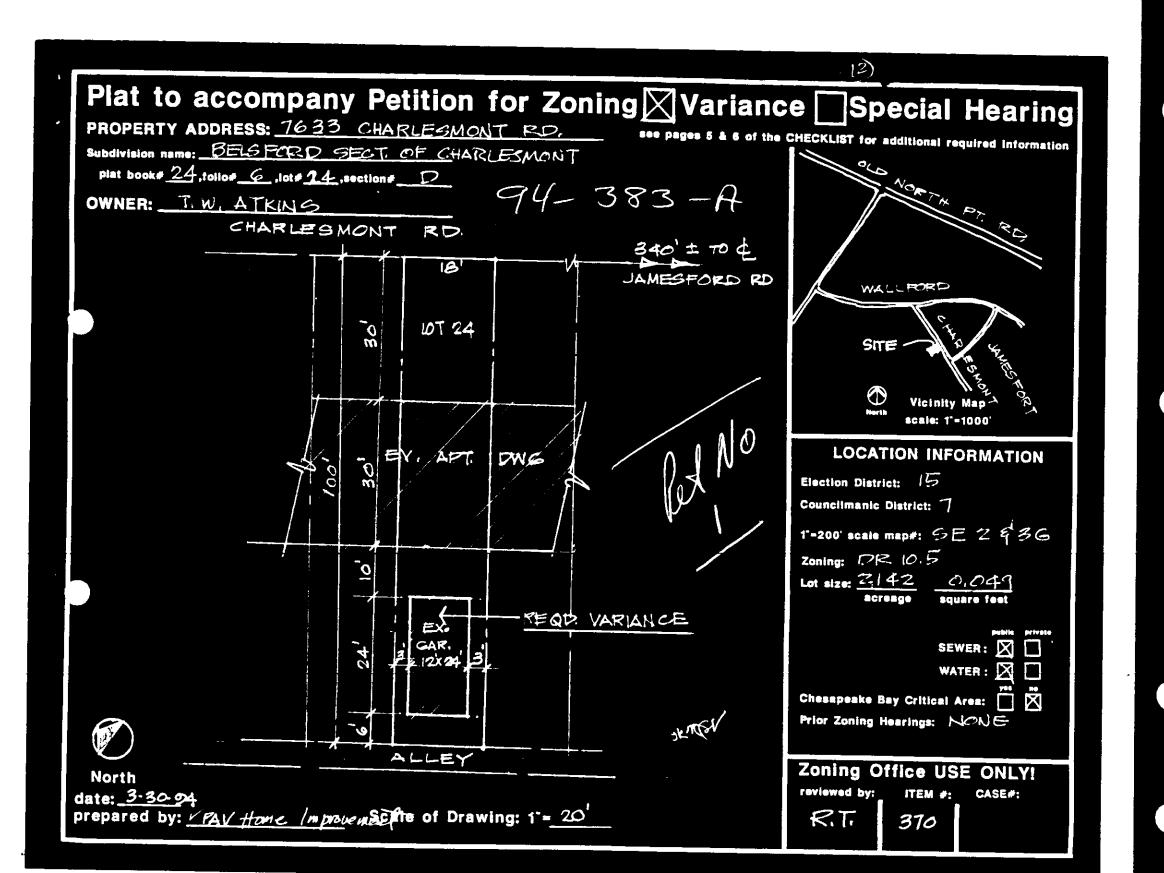
People's Counsel for baltimore County

Carole S. Demilio
Deputy People's Counsel
Room 47, Courthouse

400 Washington Avenue Towson, Maryland 21204 (410) 887-2188 I HEREBY CERTIFY THAT on this ______, 1994, a copy of the foregoing Entry of Appearance was mailed to M. Samuel Vetri, Esq.,

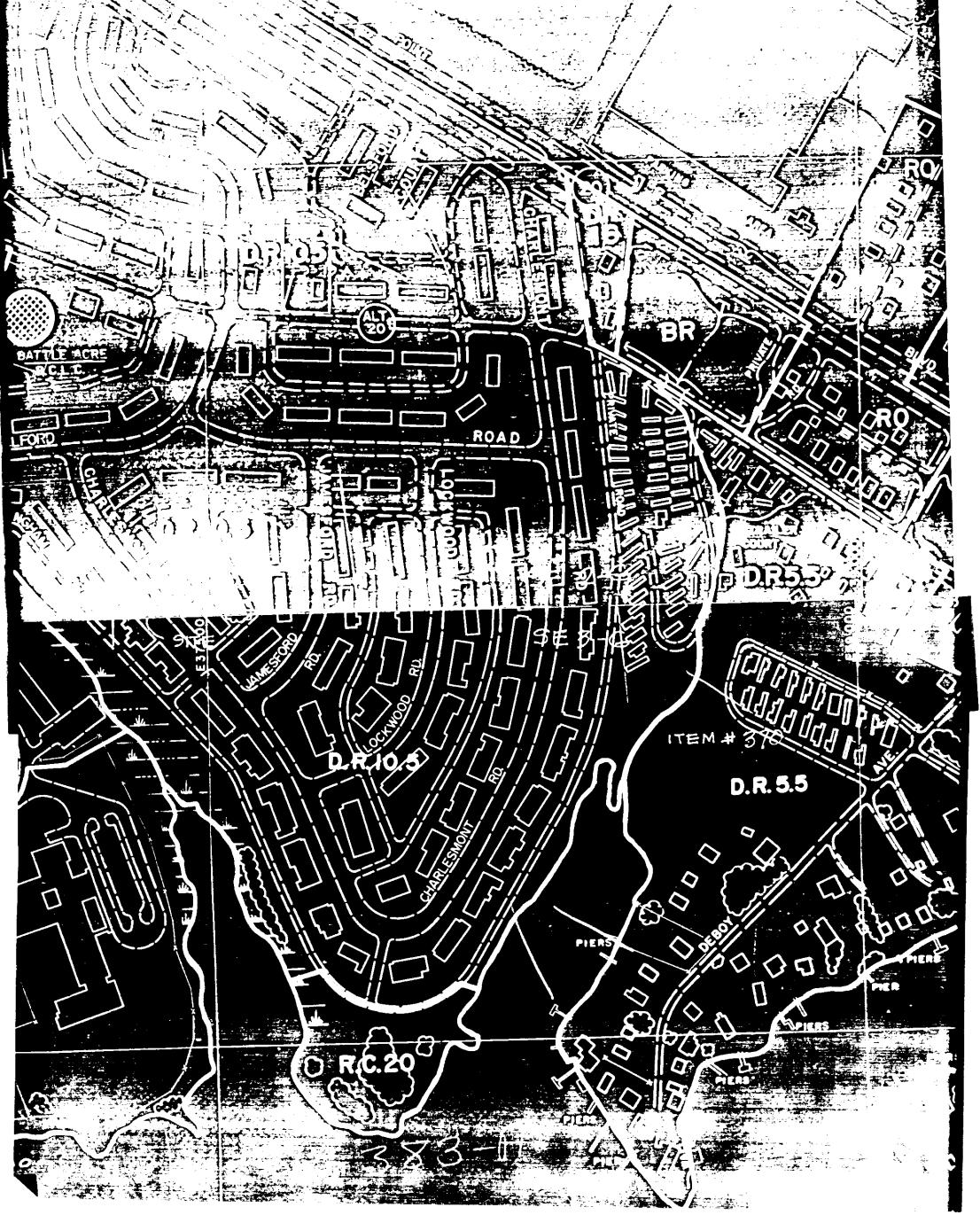
2111 Merritt Avenue, Baltimore, MD 21222, Attorney for Petitioner.

Peter Max Zimmerman

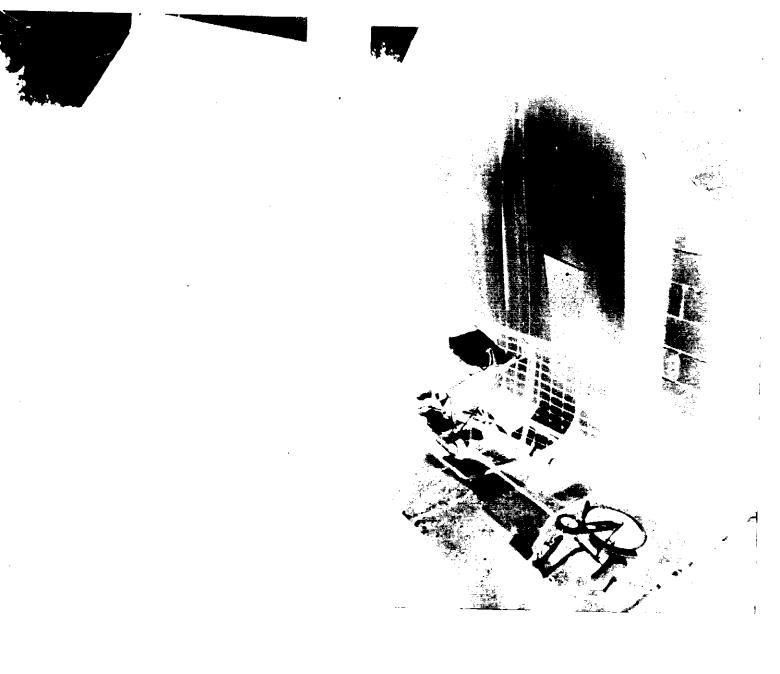


The are in favor of infaring the zoning sethack requirements at 7633 Charlesmont Road and appeare the granting of a wariance from sethack requirements for the storage sheef garage. at that location

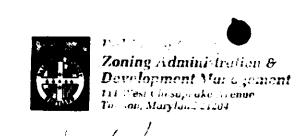
(dares 7643 CHANLESMONTAD, 288-2649 7649 CIFARLES HOLT A. 285 3790 Fillian F. Wojcik 7629 Charlesmont R. 1 282-8186 7631 Charlesmont Rd 285-0096 7627 Charlesmont Rd 7625 CHARLES MOTT RD 285-1810











1969ipt 94-383-A Account: R-001-6150

Ti etkins TG 33 Charlesment Rd

100 - MANUAL - # 5000 100 - MANUAL - # 5000 TOTAL - # 5000

Baltimore County Government Office of Zoning Administration and Development Management

111 West Chesapeake Avenue Towson, MD 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

(410) 887-3353

For newspaper advertising:

location: 7633 Charles ment PR.

PLEASE FORWARD ADVERTISING BILL TO: NAME: THOMAS ATKINS

ADDRESS: 7239 HOLABIRD AVE.

Dundalk, MR. 21222

PHONE NUMBER: 282-0682

(Revised 04/09/93)

TO: PUTUXENT PUBLISHING COMPANY April 14, 1994 Issue - Jeffersonian

Please foward billing to: Thomas Atkins

7239 Holabird Avenue Dundalk, Maryland 21222

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Haryland 21204 as follows:

CASE NUMBER: 94-383-A (Item 370) 7633 Charlesmont Road S/S Charlesmont Road, 340' NW of c/l Jamesford 15th Election District - 7th Councilmanic Petitioner(s): Thomas A. Atkins HEARING: MONDAY, MAY 9, 1994 at 11:00 a.m., Rm. 118, Old Courthouse.

Variance to allow an existing garage to occupy more than 35% of the rear yard.

LAWRENCE E. SCHNIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

MOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMPODATIONS PLEASE CALL 887-3353. (2) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Office of Zoning Administration and Development Management

Baltimore County Government

Towson, MD 21204 APRIL 8, 1994

111 West Chesapeake Avenue

(410) 887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-383-A (Item 370) 7633 Charlesmont Road S/S Charlesmont Road, 340' NW of c/l Jamesford 15th Election District - 7th Councilmanic Petitioner(s): Thomas A. Atkins HEARING: MONDAY, MAY 9, 1994 at 11:00 a.m., Rm. 118, Old Courthouse.

Variance to allow an existing garage to occupy more than 35% of the rear yard.

M. Samuel Vetri

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE. (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353. (3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Printed with Soybean Ink. on Recycled Paper

Baltimore County Government Office of Zoning Administration and Development Management

(410) 887-3353

May 2, 1994

M. Samuel Vetri, Esquire 2111 Merritt Avenue Baltimore, Maryland 21222

> RE: Case No. 94-383-A, Item No. 370 Petitioner: Thomas W. Atkins Petition for Variance

Dear Mr. Vetri:

111 West Chesapeake Avenue

Towson, MD 21204

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on March 29, 1994, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

State Highway Administration



4-8 94

Re: Baltimore County

Ms. Charlotte Minton Zoning Administration and Development Management County Office Building Room 109 111 W. Chesapeake Avenue Towson, Maryland 21204

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

My telephone number is _____ Maryland Relay Service for Impaired Hearing or Speech 1-800-735-2258 Statewide Toll Free Mailing Address: P.O. Box 717 • Baitimore, MD 21203-0717 Street Address: 707 North Calvert Street - Baitimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Director Zoning Administration and Development Management

DATE: April 11, 1994

Pat Keller, Deputy Director

Office of Planning and Zoning

Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s): Item Nos. 356, 367, 369, 370, 372 and 375.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

PK/JL:lw

ZAC356/PZONE/ZAC1

Baltimore County Government Fire Department

700 East Joppa Road Suite 901 Towson, MD 21286-5500

(410) 887-4500

DATE: 04/12/94

Zoning Administration and Development Management Baltimore County Office Building

RE: Property Owner: LOCATION:

Ltem No.:

Zoning Agenda:

Gentlemen:

Arnold Jablon

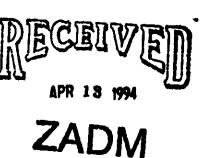
Towson, MD 21204

MAIL STOP-1105

Director

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Prevention Bureau has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 366,367,369,370,371



REVIEWER: LT. ROBERT P. SAUERWALD Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

IN RE: PETITION FOR ZONING VARIANCE * S/S Charlesmont Road, 340 ft. NW of c/l Jamesford ZONING COMMISSIONER 7633 Charlesmont Road 15th Election District OF BALTIMORE COUNTY 7th Councilmanic District Thomas A. Atkins * Case No. 94-383-A Petitioner

> * * * * * * * * * * FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for a Zoning Variance for the property located at 7633 Charlesmont Road in the Belsford Section of Charlesmont in Baltimore County. The Petition is filed by Thomas W. Atkins, property owner. Relief is requested from the strict adherence to the definition (accessory structure) as contained in the Baltimore County Zoning Regulations (B.C.Z.R.) which were in effect from 1945 to 1953. Specifically, relief is requested to allow an existing

Appearing at the requisite public hearing was the Petitioner/property owner, Thomas W. Atkins. He was represented by M. Samuel Vetri, Esquire. Appearing in opposition to the request was Dallas Keefover who resides at 7637 Charlesmont Road.

garage to occupy more than 35% of the rear yard.

Testimony and evidence presented was that the subject property is known as lot No. 24 of the Belsford Section of Charlesmont. Charlesmont is a long established residential community in eastern Baltimore County. The subject property is zoned 10.5 and the property is approximately .049 acres in area. The Charlesmont community is a row house community and the subject property is developed with an inside row home. The lot is 18 ft. wide and 100 ft. deep. The variance requested relates to an existing garage which is located in the rear yard. This garage is 12 ft. x 24 ft. in dimension. It is built in the center of the property and according to the site plan, there is a 3 ft. setback on either side.

The development was laid out and platted many years ago. Therefore, the zoning regulations in effect from 1945 to 1953 are applicable to development in this subdivision. Those regulations require that any accessory structure cannot occupy more than 35% of the rear yard. The subject garage, which is considered an accessory structure, occupies a larger area than that allowed. Thus, the Petitioner has filed a request for variance relief in order to legitimize the existing situation.

Mr. Atkins further testified that he has owned the property since December of 1963. He originally decided to build a garage in 1973, however, it took him several years to move forward with the project. Construction actually commenced and the garage was completed in 1977. Mr. Atkins also testified that the garage was constructed pursuant to a permit which was obtained from Baltimore County. Unfortunately, however, he was unable to produce the permit because same had not been kept and a copy was not available through the County records. The garage is approximately 13 ft. in height and has a peaked roof. It is set back approximately 15 ft. from the rear property line which runs along an alley among this row of townhouses. The garage is used for storage of an automobile, furniture and various household items. Further, Mr. Atkins testified that it would be a great expense and inconvenience for him to tear down this garage which has existed at the site for some 17 years.

As noted above, a concerned neighbor, Dallas Keefover appeared and testified. He is primarily concerned about the condition of the subject property and the garage. As shown in the pictures presented by the witness, the property is not well kept. The garage is in a bad state of repair and the lawn is littered with debris. Mr. Keefover is concerned about the upkeep of the property.

80

An area variance may be granted from strict adherence to the B.C.Z.R. when the Petitioner demonstrates that a practical difficulty would result if the requested relief was denied. Moreover, the Petitioner must demonstrate that the relief can be fashioned so as to observe the spirit and intent of the ordinance and without detriment to the surrounding locale. Applying the facts of this case to those tests, I am persuaded that the variance should be granted. It is of particular note that this garage has been in place for many years. There is no evidence that continued use of the garage would be detrimental to the surrounding locale. Required demolition or reduction in the size of the garage would be inappropriate and is not warranted.

Nonetheless, I am appreciative of Mr. Keefover's concerns. The photographs show that the tenants who lease the house and garage from Mr. Atkins have not taken care of the property. As a property owner, Mr. Atkins bears ultimate responsibility for the condition of this site. As noted above, this is an established community and it is improper to subject the neighbors and homeowners in the vicinity to the eyesore which results when the property is not kept up. Thus, as a condition precedent to the granting of the variance, I shall require the Petitioner to maintain this property. Specifically, it should be kept free of trash and debris and the garage should be of sound integrity so as to prevent potential injury and damage to the public and the property owners. Thus, appropriate restrictions shall be added to ensure these standards.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 13 day of May, 1994 that a variance from the strict adher-

ence to the definition (accessory structure) as contained in the Baltimore County Zoning Regulations (B.C.Z.R.), which were in effect from 1945 to 1953, and to allow an existing garage to occupy more than 35% of the rear yard, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. The property shall be kept clear of trash

3. The subject garage shall be inspected by an inspector of the Zoning Enforcement Division of the Office of Zoning Administration and Development Management to ensure that same is structurally sound. In the event, the integrity of the garage fails to meet the applicable building standards and poses a danger to the property owner and community, the Petitioner shall be responsible for improvements as may be deemed necessary by the inspector.

4. Upon request and reasonable notice, the Petitioner shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to ensure compliance with this Order.

> Zoning Commissioner for Baltimore County

ECEIVED FOR FILING

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

May 12, 1994

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

M. Samuel Vetri, Esquire 2111 Merritt Avenue Bltimore, Maryland 21222

RE: Case No. 94-383-A Petition for Zoning Variance Property: 7633 Charlesmont Road Thomas W. Atkins, Petitioner

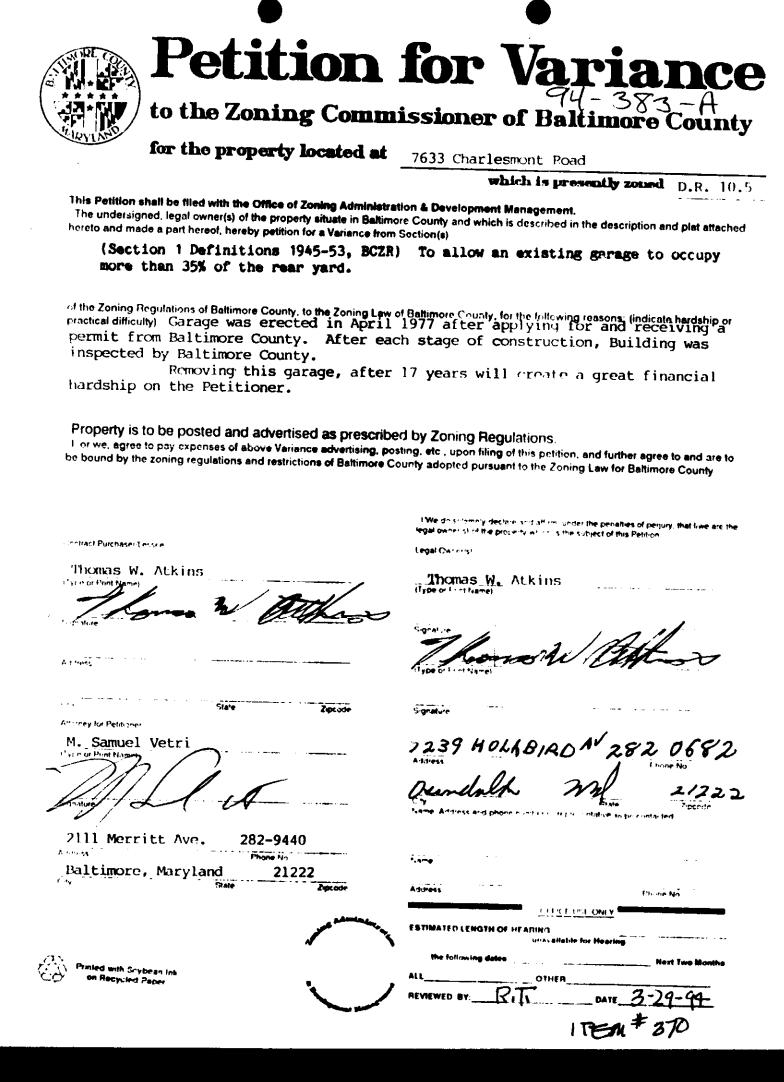
Dear Mr. Vetri:

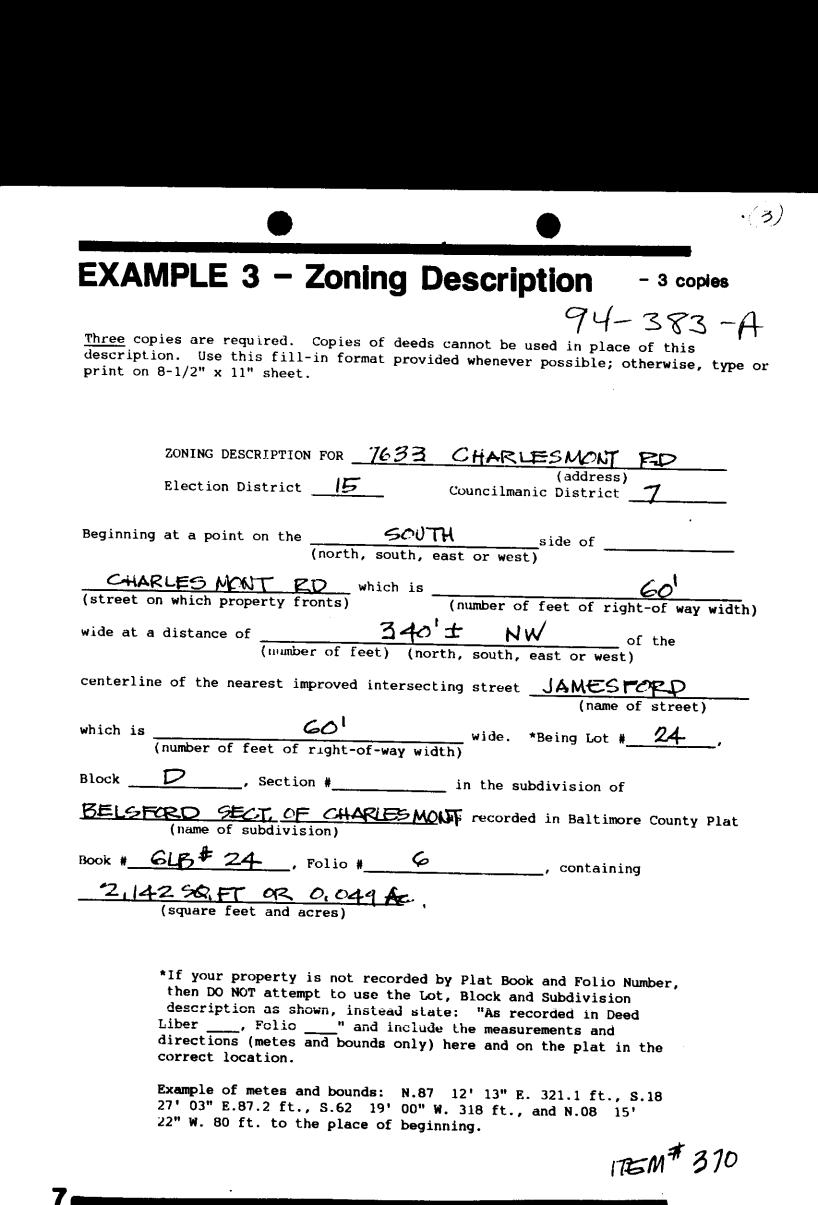
Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

> Lawrence E. Schmidt Zoning Commissioner

cc: Mr. Thomas W. Atkins cc: Mr. Dallas Keefover





CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY 94-383-4 Location of property: 7633 Charles - o- + Ry, 5/5 Location of Signer Facing 1000 way on property being zoned CERTIFICATE OF PUBLICATION TOWSON, MD., Uprel 15, 1994 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of ____ successive weeks, the first publication appearing on Upul 14, 1944. THE JEFFERSONIAN. LEGAL AD. - TOWSON

Printed on Recycled Paper



BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: Carl W. Richards Zoning Coordinator April 1, 1994

FROM: James H. Thompson -LJW Zoning Enforcement Coordinator

RE: Item No. 370 Petitioner: M. SAMUEL VETRI

VIOLATION CASE # C-94-884

LOCATION OF VIOLATION 7633 CHARLESMONT ROAD

DEFENDANT THOMAS & SHIRLEY ATKINS

ADDRESS 7633 CHARLESMONT ROAD

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

NAME & ADDRESS

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.

PETITION FOR VARIANCE S/S Charlesmont Road, 340' NW of c/l Jamesford (7633 Charlesmont Road), 15th Election Dist., 7th ZONING COMMISSIONER Councilmanic Dist. OF BALTIMORE COUNTY

PETITIONER: THOMAS W. ATKINS CASE NO: 94-383-A

BEFORE THE

: : : : : ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above captioned matter. Notice should be sent of any hearing dates or other

proceedings in this matter and of the passage of any preliminary or final Order.

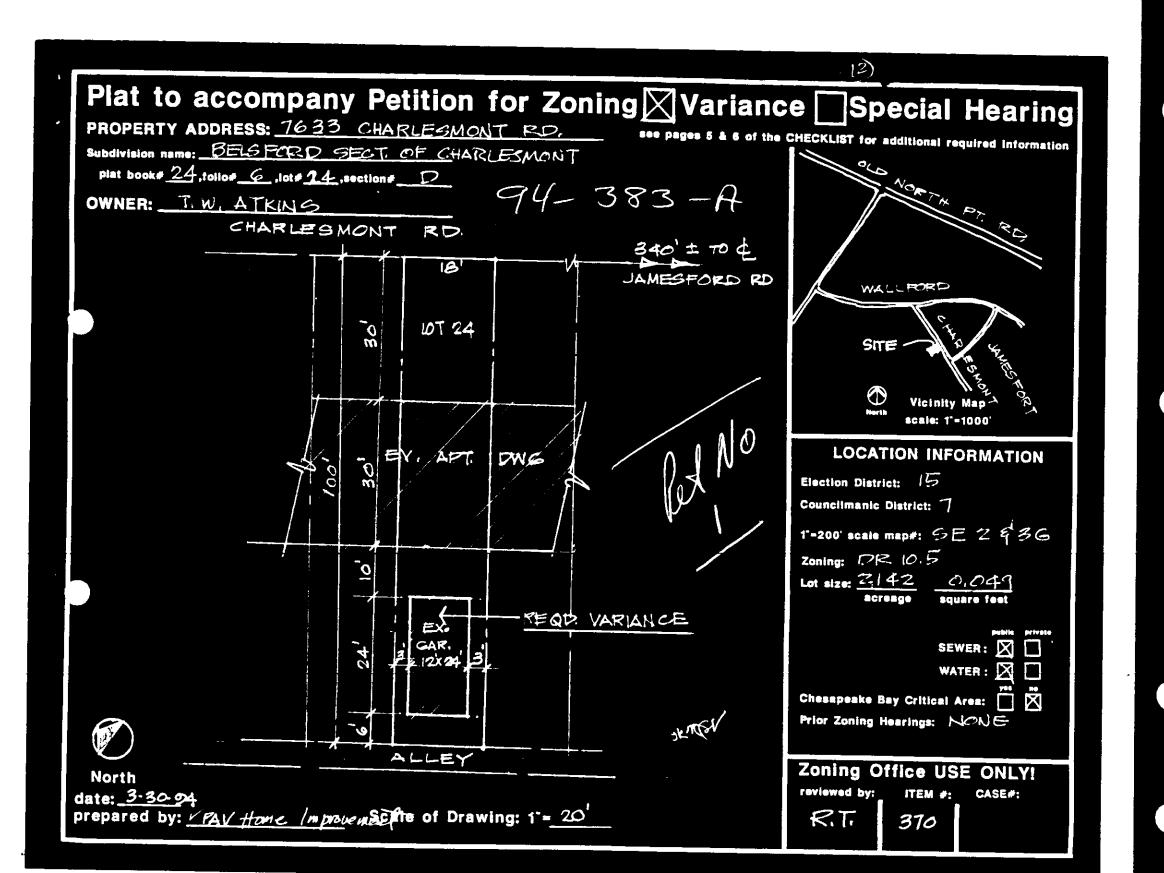
People's Counsel for baltimore County

Carole S. Demilio
Deputy People's Counsel
Room 47, Courthouse

400 Washington Avenue Towson, Maryland 21204 (410) 887-2188 I HEREBY CERTIFY THAT on this ______, 1994, a copy of the foregoing Entry of Appearance was mailed to M. Samuel Vetri, Esq.,

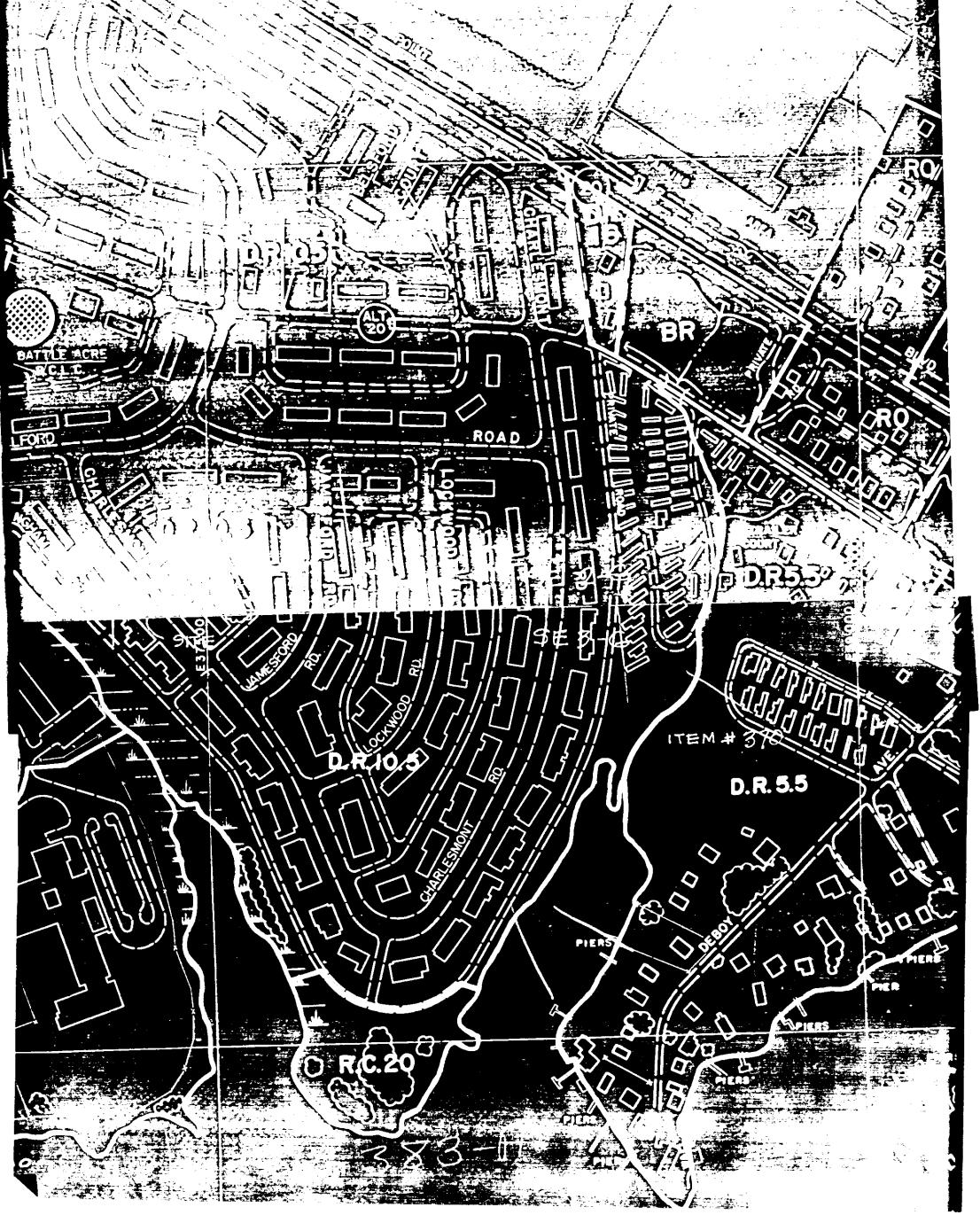
2111 Merritt Avenue, Baltimore, MD 21222, Attorney for Petitioner.

Peter Max Zimmerman

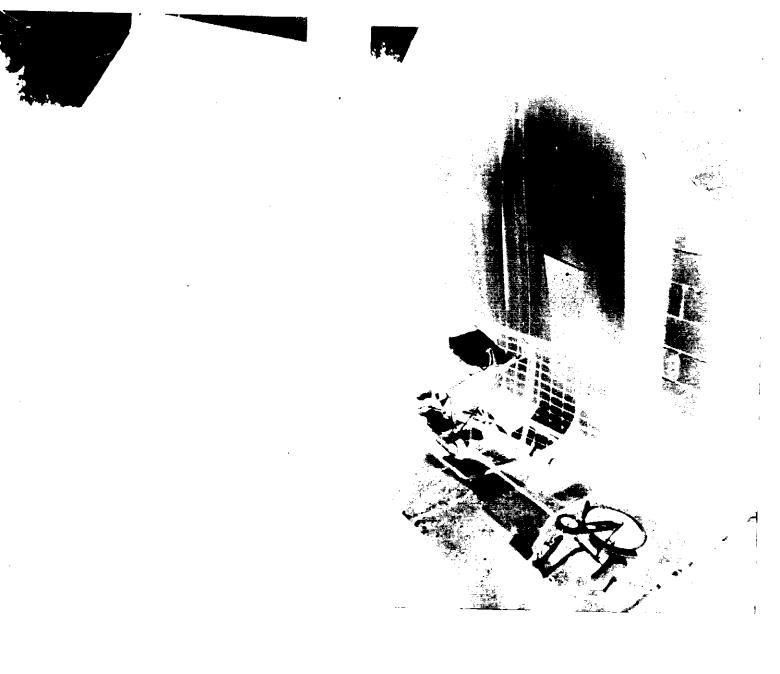


The are in favor of infaring the zoning sethack requirements at 7633 Charlesmont Road and appeare the granting of a wariance from sethack requirements for the storage sheef garage. at that location

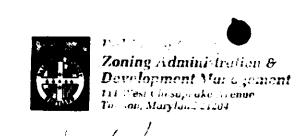
(dares 7643 CHANLESMONTAD, 288-2649 7649 CIFARLES HOLT A. 285 3790 Fillian F. Wojcik 7629 Charlesmont R. 1 282-8186 7631 Charlesmont Rd 285-0096 7627 Charlesmont Rd 7625 CHARLES MOTT RD 285-1810











1969ipt 94-383-A Account: R-001-6150

Ti etkins TG 33 Charlesment Rd

100 - MANUAL - # 5000 100 - MANUAL - # 5000 TOTAL - # 5000

Baltimore County Government Office of Zoning Administration and Development Management

111 West Chesapeake Avenue Towson, MD 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

(410) 887-3353

For newspaper advertising:

location: 7633 Charles ment PR.

PLEASE FORWARD ADVERTISING BILL TO: NAME: THOMAS ATKINS

ADDRESS: 7239 HOLABIRD AVE.

Dundalk, MR. 21222

PHONE NUMBER: 282-0682

(Revised 04/09/93)

TO: PUTUXENT PUBLISHING COMPANY April 14, 1994 Issue - Jeffersonian

Please foward billing to: Thomas Atkins

7239 Holabird Avenue Dundalk, Maryland 21222

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Haryland 21204 as follows:

CASE NUMBER: 94-383-A (Item 370) 7633 Charlesmont Road S/S Charlesmont Road, 340' NW of c/l Jamesford 15th Election District - 7th Councilmanic Petitioner(s): Thomas A. Atkins HEARING: MONDAY, MAY 9, 1994 at 11:00 a.m., Rm. 118, Old Courthouse.

Variance to allow an existing garage to occupy more than 35% of the rear yard.

LAWRENCE E. SCHNIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

MOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMPODATIONS PLEASE CALL 887-3353. (2) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Office of Zoning Administration and Development Management

Baltimore County Government

Towson, MD 21204 APRIL 8, 1994

111 West Chesapeake Avenue

(410) 887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-383-A (Item 370) 7633 Charlesmont Road S/S Charlesmont Road, 340' NW of c/l Jamesford 15th Election District - 7th Councilmanic Petitioner(s): Thomas A. Atkins HEARING: MONDAY, MAY 9, 1994 at 11:00 a.m., Rm. 118, Old Courthouse.

Variance to allow an existing garage to occupy more than 35% of the rear yard.

M. Samuel Vetri

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE. (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353. (3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Printed with Soybean Ink. on Recycled Paper

Baltimore County Government Office of Zoning Administration and Development Management

(410) 887-3353

May 2, 1994

M. Samuel Vetri, Esquire 2111 Merritt Avenue Baltimore, Maryland 21222

> RE: Case No. 94-383-A, Item No. 370 Petitioner: Thomas W. Atkins Petition for Variance

Dear Mr. Vetri:

111 West Chesapeake Avenue

Towson, MD 21204

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on March 29, 1994, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

State Highway Administration



4-8 94

Re: Baltimore County

Ms. Charlotte Minton Zoning Administration and Development Management County Office Building Room 109 111 W. Chesapeake Avenue Towson, Maryland 21204

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

My telephone number is _____ Maryland Relay Service for Impaired Hearing or Speech 1-800-735-2258 Statewide Toll Free Mailing Address: P.O. Box 717 • Baitimore, MD 21203-0717 Street Address: 707 North Calvert Street - Baitimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Director Zoning Administration and Development Management

DATE: April 11, 1994

Pat Keller, Deputy Director

Office of Planning and Zoning

Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s): Item Nos. 356, 367, 369, 370, 372 and 375.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

PK/JL:lw

ZAC356/PZONE/ZAC1

Baltimore County Government Fire Department

700 East Joppa Road Suite 901 Towson, MD 21286-5500

(410) 887-4500

DATE: 04/12/94

Zoning Administration and Development Management Baltimore County Office Building

RE: Property Owner: LOCATION:

Ltem No.:

Zoning Agenda:

Gentlemen:

Arnold Jablon

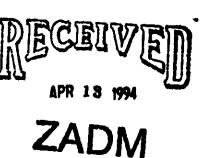
Towson, MD 21204

MAIL STOP-1105

Director

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Prevention Bureau has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 366,367,369,370,371



REVIEWER: LT. ROBERT P. SAUERWALD Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

IN RE: PETITION FOR ZONING VARIANCE * S/S Charlesmont Road, 340 ft. NW of c/l Jamesford ZONING COMMISSIONER 7633 Charlesmont Road 15th Election District OF BALTIMORE COUNTY 7th Councilmanic District Thomas A. Atkins * Case No. 94-383-A Petitioner

> * * * * * * * * * * FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for a Zoning Variance for the property located at 7633 Charlesmont Road in the Belsford Section of Charlesmont in Baltimore County. The Petition is filed by Thomas W. Atkins, property owner. Relief is requested from the strict adherence to the definition (accessory structure) as contained in the Baltimore County Zoning Regulations (B.C.Z.R.) which were in effect from 1945 to 1953. Specifically, relief is requested to allow an existing

Appearing at the requisite public hearing was the Petitioner/property owner, Thomas W. Atkins. He was represented by M. Samuel Vetri, Esquire. Appearing in opposition to the request was Dallas Keefover who resides at 7637 Charlesmont Road.

garage to occupy more than 35% of the rear yard.

Testimony and evidence presented was that the subject property is known as lot No. 24 of the Belsford Section of Charlesmont. Charlesmont is a long established residential community in eastern Baltimore County. The subject property is zoned 10.5 and the property is approximately .049 acres in area. The Charlesmont community is a row house community and the subject property is developed with an inside row home. The lot is 18 ft. wide and 100 ft. deep. The variance requested relates to an existing garage which is located in the rear yard. This garage is 12 ft. x 24 ft. in dimension. It is built in the center of the property and according to the site plan, there is a 3 ft. setback on either side.

The development was laid out and platted many years ago. Therefore, the zoning regulations in effect from 1945 to 1953 are applicable to development in this subdivision. Those regulations require that any accessory structure cannot occupy more than 35% of the rear yard. The subject garage, which is considered an accessory structure, occupies a larger area than that allowed. Thus, the Petitioner has filed a request for variance relief in order to legitimize the existing situation.

Mr. Atkins further testified that he has owned the property since December of 1963. He originally decided to build a garage in 1973, however, it took him several years to move forward with the project. Construction actually commenced and the garage was completed in 1977. Mr. Atkins also testified that the garage was constructed pursuant to a permit which was obtained from Baltimore County. Unfortunately, however, he was unable to produce the permit because same had not been kept and a copy was not available through the County records. The garage is approximately 13 ft. in height and has a peaked roof. It is set back approximately 15 ft. from the rear property line which runs along an alley among this row of townhouses. The garage is used for storage of an automobile, furniture and various household items. Further, Mr. Atkins testified that it would be a great expense and inconvenience for him to tear down this garage which has existed at the site for some 17 years.

As noted above, a concerned neighbor, Dallas Keefover appeared and testified. He is primarily concerned about the condition of the subject property and the garage. As shown in the pictures presented by the witness, the property is not well kept. The garage is in a bad state of repair and the lawn is littered with debris. Mr. Keefover is concerned about the upkeep of the property.

80

An area variance may be granted from strict adherence to the B.C.Z.R. when the Petitioner demonstrates that a practical difficulty would result if the requested relief was denied. Moreover, the Petitioner must demonstrate that the relief can be fashioned so as to observe the spirit and intent of the ordinance and without detriment to the surrounding locale. Applying the facts of this case to those tests, I am persuaded that the variance should be granted. It is of particular note that this garage has been in place for many years. There is no evidence that continued use of the garage would be detrimental to the surrounding locale. Required demolition or reduction in the size of the garage would be inappropriate and is not warranted.

Nonetheless, I am appreciative of Mr. Keefover's concerns. The photographs show that the tenants who lease the house and garage from Mr. Atkins have not taken care of the property. As a property owner, Mr. Atkins bears ultimate responsibility for the condition of this site. As noted above, this is an established community and it is improper to subject the neighbors and homeowners in the vicinity to the eyesore which results when the property is not kept up. Thus, as a condition precedent to the granting of the variance, I shall require the Petitioner to maintain this property. Specifically, it should be kept free of trash and debris and the garage should be of sound integrity so as to prevent potential injury and damage to the public and the property owners. Thus, appropriate restrictions shall be added to ensure these standards.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 13 day of May, 1994 that a variance from the strict adher-

ence to the definition (accessory structure) as contained in the Baltimore County Zoning Regulations (B.C.Z.R.), which were in effect from 1945 to 1953, and to allow an existing garage to occupy more than 35% of the rear yard, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. The property shall be kept clear of trash

3. The subject garage shall be inspected by an inspector of the Zoning Enforcement Division of the Office of Zoning Administration and Development Management to ensure that same is structurally sound. In the event, the integrity of the garage fails to meet the applicable building standards and poses a danger to the property owner and community, the Petitioner shall be responsible for improvements as may be deemed necessary by the inspector.

4. Upon request and reasonable notice, the Petitioner shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to ensure compliance with this Order.

> Zoning Commissioner for Baltimore County

ECEIVED FOR FILING

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

May 12, 1994

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

M. Samuel Vetri, Esquire 2111 Merritt Avenue Bltimore, Maryland 21222

RE: Case No. 94-383-A Petition for Zoning Variance Property: 7633 Charlesmont Road Thomas W. Atkins, Petitioner

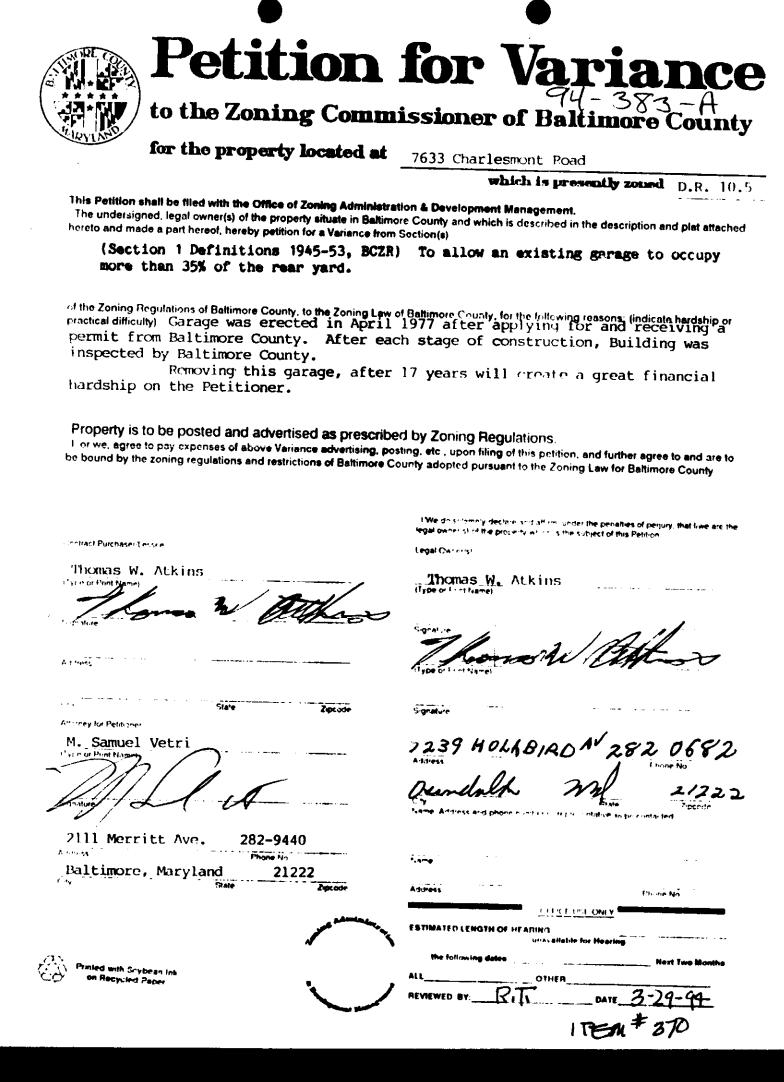
Dear Mr. Vetri:

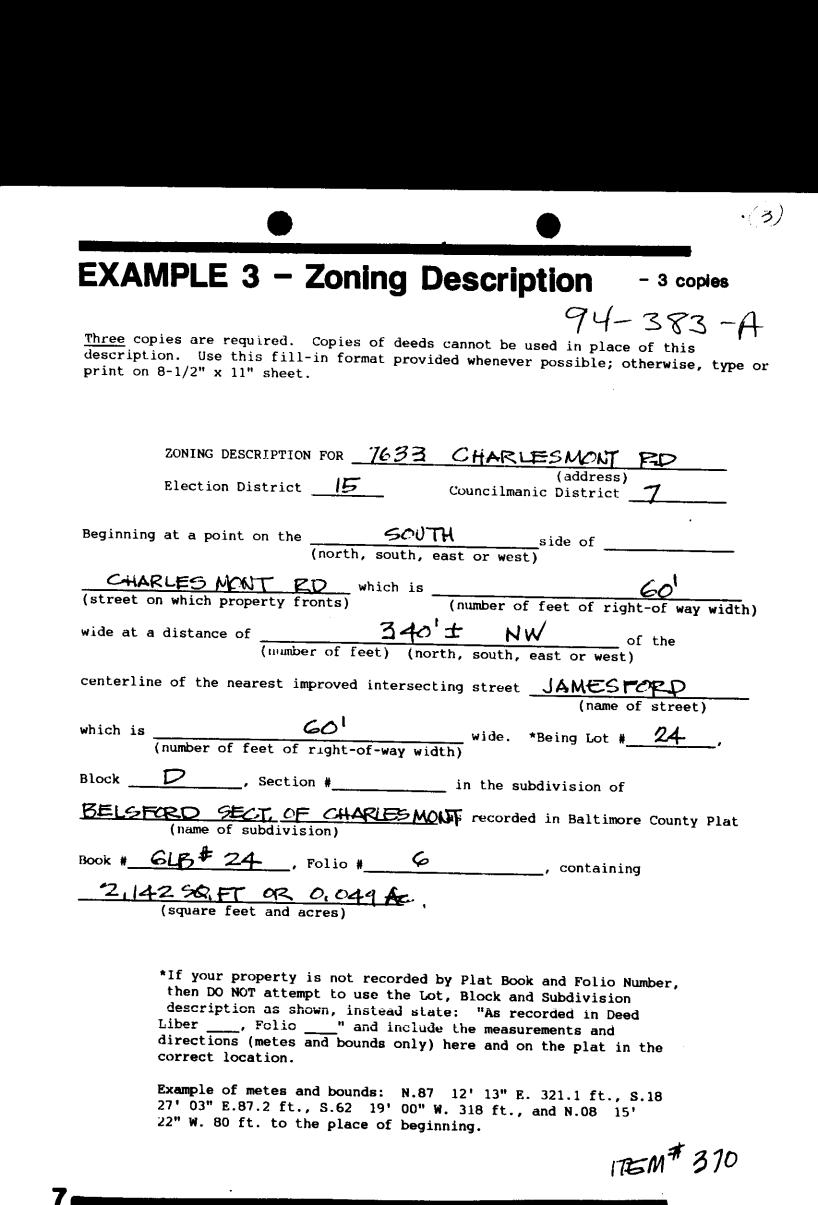
Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

> Lawrence E. Schmidt Zoning Commissioner

cc: Mr. Thomas W. Atkins cc: Mr. Dallas Keefover





CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY 94-383-4 Location of property: 7633 Charles - o- + Ry, 5/5 Location of Signer Facing 1000 way on property being zoned CERTIFICATE OF PUBLICATION TOWSON, MD., Uprel 15, 1994 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of ____ successive weeks, the first publication appearing on Upul 14, 1944. THE JEFFERSONIAN. LEGAL AD. - TOWSON

Printed on Recycled Paper